

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

**ARTHUR GILES,**

**Plaintiff,**

**v.**

**Case No: 6:23-cv-1192-WWB-EJK**

**RELEVANT MEDIA GROUP,  
INC.,**

**Defendant.**

**ORDER**

This cause comes before the Court on Plaintiff's Motion for Clerk's Default (the "Motion"), filed August 17, 2023. (Doc. 12.) Therein, Plaintiff seeks default against Defendant Relevant Media Group, Inc. (*Id.*) Upon consideration, the Motion is due to be granted.

**I. BACKGROUND**

Plaintiff filed a Complaint against Defendant on June 27, 2023, alleging violations of the Copyright Act, 17 U.S.C. § 501. (Doc. 1.) On July 21, 2023, the Summons and Complaint were served on Defendant through its registered agent. (Doc. 11.) Plaintiff now seeks entry of a clerk's default against Defendant for its failure to appear in this case. (Doc. 12.)

**II. STANDARD**

"When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise,

the clerk must enter the party's default." Fed. R. Civ. P. 55(a). Before the clerk may enter default, he or she must determine that effective service has been made on the defaulting defendant because, without effective service, there is no jurisdiction and no obligation to answer or "otherwise defend." *See Kelly v. Florida*, 233 Fed. App'x 883, 885 (11th Cir. 2007) (unpublished).

### **III. DISCUSSION**

Defendant has not responded to Plaintiff's Complaint or otherwise appeared, and the time to do so has expired. Fed. R. Civ. P. 12(a) (providing that a defendant must file a responsive pleading to a complaint within 21 days after being served a copy of the summons and the complaint). The Court must now determine whether Plaintiff perfected service on Defendant.

Under the federal rules, a corporate defendant may be served by:

delivering a copy of the summons and of the complaint to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process and—if the agent is one authorized by statute and the statute so requires—by also mailing a copy of each to the defendant[.]

Fed. R. Civ. P. 4(h)(1)(B). A corporate defendant may also be served by "following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made[.]" Fed. R. Civ. P. 4(h)(1)(A), 4(e)(1).

The Florida Statutes permit process to be served on a corporation by serving any one of the following persons: (a) the president, vice president or other corporate

head; (b) the cashier, treasurer, secretary, or general manager; (c) any corporate director; (d) any officer or business agent residing in Florida; (e) or an agent designated by the corporation under Florida Statute § 48.091. *See* Fla. Stat. § 48.081. Alternatively, if service cannot be made under § 48.091, “service of process shall be permitted on any employee at the corporation’s principal place of business or on any employee of the registered agent.” Fla. Stat. § 48.081(3)(a).

According to Florida public records, 3720 Lake Sarah Drive, Suite B, Orlando, Florida 32804 is Plaintiff’s principal place of business.<sup>1</sup> According to the Return of Service, service was made at this address on July 21, 2023, on Defendant’s registered agent, Cameron Strang. (Doc. 11.) Therefore, as Defendant was served on July 21, 2023, in compliance with the federal rules, and more than 21 days have passed with no responsive pleading filed, default is appropriate. Fed. R. Civ. P. 12(a)(1)(A)(i).

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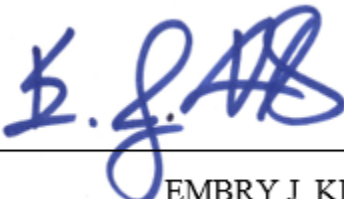
<sup>1</sup> *Detail of Entity Name of Relevant Media Group, Inc.*, Division of Corporations, an official State of Florida website, <https://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=RELEVANTMEDIAGROUP%20P000000544440&aggregateId=domp-p00000054444-aac73fec-b484-47bb-ad67-9925d24e3c42&searchTerm=RELEVANT%20MEDIA%20GROUP&listNameOrder=RELEVANTMEDIAGROUP%20P000000544440> (last visited August 23, 2023).

#### IV. CONCLUSION

Accordingly, it is **ORDERED** as follows:

1. Plaintiff's Motion for Clerk's Default (Doc. 12) is **GRANTED**.
2. The Clerk is **DIRECTED** to enter a default against Defendant Relevant Media Group, Inc.

**DONE** and **ORDERED** in Orlando, Florida on August 24, 2023.



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EMBRY J. KIDD  
UNITED STATES MAGISTRATE JUDGE